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U.S. DISTRICT COURT
N.D. OF ALABAMA

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MIDDLE DIVISION

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Defendant, EQUIFAX INFORMATION SERVICES LLC (“Equifax” or “Defendant”), incorrectly identified in the Complaint as “Equifax,” hereby files this Notice of Removal of this action from the Circuit Court of St. Clair County, Alabama, Pell City Division, where this action is now pending, to the United States District Court for the Northern District of Alabama, Middle Division. This Notice of Removal is filed pursuant to 28 U.S.C. §§ 1441 and 1446. In support, Equifax shows this Court as follows:

1. On or about July 26, 2011, an action was filed against Equifax in the Circuit Court of St. Clair County, Alabama, Pell City Division, entitled *Rita J.*

Lewis v. Equifax and Merrick Bank Corp., Case No. CV11-173 (the “State Court Action”).

2. The Summons and Complaint were served on Equifax on August 3, 2011.

3. This Notice is being filed with this Court within thirty (30) days after Defendant Equifax received a copy of Plaintiff’s initial pleading setting forth the grounds for his action and his claims for relief.

4. A copy of all process, pleadings, and orders served upon the Defendant in the State Court Action is attached hereto as Exhibit A.

5. This Court has original jurisdiction over this case pursuant to 28 U.S.C. § 1331, in that this is a civil action arising under the Constitution, laws or treaties of the United States; specifically 15 U.S.C. § 1681, *et seq.*, otherwise known as the Fair Credit Reporting Act (“FCRA”), as follows:

(a) Plaintiff alleges that an account with Merrick Bank appeared on his Equifax credit report and that he notified Equifax that the account was false. *See Exhibit A, Complaint*, ¶¶ 5, 6.

(b) Plaintiff further alleges that Equifax issued credit reports concerning him to third parties that contained the allegedly inaccurate account. *Id.*, ¶ 8.

(c) Plaintiff alleges that the account’s appearance on his credit file has caused him to be denied credit. *Id.*, ¶¶ 9, 10.

(d) Plaintiff's Complaint does not have separately captioned causes of action. *See, Exhibit A*. Instead, it states that "Defendants willfully and negligently "failed to follow reasonable procedures to assure maximum possible accuracy of Plaintiff's credit report." *Id.*, ¶ 13. This is the exact language contained in Section 1681e(b) of the federal Fair Credit Reporting Act, 15 U.S.C. §§ 1681, *et seq.* ("FCRA"). The FCRA requires that a consumer reporting agency "follow reasonable procedures to assure maximum possible accuracy of the information concerning the individual about whom the report relates." 15 U.S.C. § 1681e(b).

(e) Further, Equifax is a consumer reporting agency under the FCRA. *See* 15 U.S.C. § 1681a(f). Plaintiff is a consumer under the FCRA. *See* 15 U.S.C. § 1681a(c). The FCRA governs the accuracy of information contained in consumers' credit files such as those of Plaintiff.

(f) The FCRA, pursuant to 15 U.S.C. § 1681p, provides that any action alleging a violation of its provisions "may be brought in any appropriate United States district court without regard to the amount in controversy."

6. Pursuant to 28 U.S.C. § 1441(a), venue of the removal action is proper in the United States District Court for the Northern District of Alabama, Middle Division, because the county from which the State court civil action is being removed lies within this district and division.

7. Promptly after the filing of this Notice of Removal, Defendant shall provide notice of the removal to Plaintiff's counsel in the State Court Action and to the Clerk of the Court in the State Court action, as required by 28 U.S.C. § 1446(d).

WHEREFORE, Defendant prays that the above-described action now pending in the Circuit Court of St. Clair County, Alabama, Pell City Division, be removed to this Court.

This 2nd day of September, 2011.

Respectfully submitted,

/s/ Victoria J. Franklin-Sisson
Victoria J. Franklin-Sisson (ASB-2602-K63V)
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CERTIFICATE OF SERVICE

This is to certify that I have this day electronically filed a true and correct copy of the foregoing NOTICE OF REMOVAL with the Clerk of the Court using the ECF system, which will send notification of such filing to the following:

Guy C. McCombs, III
2301 Moody Parkway
Moody, Alabama 35004
Attorney for Plaintiff

Merrick Bank Corp.
P.O. Box 9201
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Dated: September 2, 2011.


